

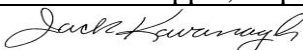


HOWARD COUNTY DEPARTMENT OF CORRECTIONS POLICY & PROCEDURE

	SUBJECT:	Administration
	P & P #:	A-007
	TITLE:	Employee Standards of Conduct
	EFFECTIVE DATE:	April 2, 2018
	REVIEWED BY:	 Patricia Schupple, Deputy Director
	AUTHORITY:	 Jack Kavanagh, Director

POLICY: The Howard County Department of Correction is responsible for performing various functions that help make the Howard County community safe for its citizens by developing a professional, disciplined, and effective work force to perform these functions, in a manner that earns the public's confidence and respect. This necessitates that all employees appreciate the inseparable connection between their actions - on the job and in private life - and public opinion. A single employee's misconduct or ineffective performance reflects negatively on other employees within the Department, other Howard County government agencies, and interferes with the department's ability to accomplish its mission and goals.

It is essential that all the Department's employees understand and comply with rules, regulations, and procedures in the Rules of Conduct as well as all operational policies and procedures. Recognizing it is impossible to foresee and describe every situation employees may encounter in the performance of assigned duties, the fundamental purpose of this document is to provide guidelines to stimulate thoughtful, professional actions. In addition, the rules of conduct are intended to ensure fairness and parity in the handling of disciplinary matters as well as the imposition and appeal of related sanctions. Wherever possible, disciplinary measures will be progressive and promote improved employee performance; however, the nature, severity and frequency of infractions will be considered when imposing sanctions. The Director has the authority to take such factors into account and may recommend harsher sanctions than those recommended in this policy. The Director will consult with staff in the County Human Resources Office and Office of Law when such circumstances occur.

The Department strives to simultaneously protect the public, comply with Howard County, State and Federal laws and standards, and operate its programs and facility consistent with the best contemporary correctional management practices.

All employees of the Department of Correction must abide by the following rules of conduct. All new employees must read, receive and sign for a copy of this regulation within 24 hours after reporting for duty. Violations of this regulation and the stated rules of conduct, whether through ignorance, carelessness, or willful action, will be considered grounds for disciplinary action and/or criminal action.

REFERENCES: Maryland Annotated Code, Criminal Law, Sections §5-401 through §9-406 and §5-406 and §5-407, HCDC Policies A-010 Communications with Media, A-015 Tardiness and Attendance, A-016 Substance Abuse Policy and A-033 Protection from Sexual Abuse and Harassment.

DEFINITIONS: As used in this regulation the following terms have the meanings indicated.

1. CBF means Central Booking Facility.
2. Contraband means any item, material, substance, or other thing that is not authorized by the Director for employee, volunteer or inmate possession and is brought into the Detention Center in a manner prohibited by the Director.
3. Controlled Dangerous Substance (CDS) means an illegal drug as defined in Criminal Sections §5-401 through §5-406, including, but not limited to marijuana/cannaboids, cocaine, opiates, phencyclidine (PCP), amphetamines, and barbiturates.
4. CBF Detainee means a person held at the Central Booking Facility, under arrest, booking and charging.
5. Department means the Howard County Department of Corrections.
6. DCEB means the Department of Corrections Email Bulletin (Global Email) authorized by the Security Chief, Deputy Director or Director.
7. Electronic Search means a search conducted with an electronic device. (i.e. - hand scanner, metal detector, wand or other means)
8. Employee means any person receiving direct or indirect compensation for services performed for an agency.
9. Escape means the voluntary departure of an inmate from his/her place of confinement or other authorized location.
10. Impaired means the state or condition which renders an employee unable to properly carry out the duties of his/her classification. An impaired condition may result from consumption of alcohol, the use of CDS or the improper use of prescription drugs or other substance(s).
11. Inmate means a person incarcerated in the Detention Center, to include pretrial, sentenced offenders, U.S. Marshal, ICE detainees and military commitments.
12. Insubordination means the failure of an employee to acknowledge and submit to the lawful authority of a superior and/or failure to adhere to policies, procedures and lawful orders.
13. Lawful Order means any order or instruction, either oral or written, that an employee should reasonably believe to be in keeping with the performance of his/her duties.
14. Absconding Post- means an officer has left his/her post and does not return to perform his/her required duties.

15. Social Media: A social instrument of two-way communication.
16. Staff/Visitors property search means the search of an individual's personal belongings being brought onto county property.
17. Work place means any place where an employee is performing work for the Howard County Department of Correction.

PROCEDURES:

I. Standards of Conduct

A. Personal Conduct

1. Each employee shall conduct him/herself always both on and off duty, in such a manner as to reflect most favorably on the Department. Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any employee, either within or outside of his/her place of employment, which tends to undermine good order, efficiency, or discipline of the Department, or reflects discredit upon the Department or any employee thereof, or which is prejudicial to the efficiency and discipline of the Department, even though these offenses may not be specifically enumerated or stated, shall be considered conduct unbecoming an employee of the Department and subject the employee to disciplinary action by the Department.
2. Each employee shall maintain a professional working relationship with his/her superiors, subordinates and co-workers. While loyalty and cooperation between employees are encouraged, relationships between co-workers, supervisors and subordinates that compromise the chain of command, result in the appearance of partiality, or otherwise undermine good order, discipline or authority are forbidden. Staff are required to report in writing any such relationship to the Director.
3. An employee while acting in his/her official capacity, may not use any coarse, profane or insolent language and/or act towards other employees, supervisors, inmates, offenders, or members of the public that is considered offensive to contemporary community standards, except as required as part of an approved inmate or offender treatment program.
4. No employee of the Department shall threaten, intimidate, strike, or assault any other member of the Department. An employee who assists, abets, instigates or invites any altercation between employees of the Department shall be held responsible along with those employees involved.
5. Any employee of the Department, who being present at or having knowledge of any mutinous, rebellious or reactionary activity within the Department, shall use his/her utmost effort to suppress such action. Any employee having knowledge that such action is to take place or has taken place, shall give information to the Director or designee without delay.

Management respects labor groups' right to confidentiality during regular business meetings. An employee is not required to disclose to his/her supervisor issues that have been discussed at such meetings. An employee shall not engage in any work stoppage or job action.

6. An employee of the Department may not purchase or drink alcoholic beverages while on duty, or while off duty in uniform or partially identifiable uniform. An employee may not bring any alcoholic beverage onto county property or into any county building or vehicle and may not permit the same to be brought therein. The Director may make exceptions for religious or training purposes.
7. The illegal possession and/or use of any controlled dangerous substance and/or paraphernalia while on or off duty is strictly prohibited.
8. An employee who reports to work or who, while working, is suspected of being under the influence of alcohol and/or an illegal controlled dangerous substance shall be immediately examined in accordance with procedures outlined in the Howard County Department of Corrections Policy and Procedure A-016 and the Employee Manual. This examination may include the use of personnel trained in the use of alcolyzer, other chemical tests and other recognized tests. Refusal to submit to such an examination shall be considered as evidence against the employee in disciplinary proceedings. There shall be reasonable suspicion prior to any action by supervision.
9. When controlled dangerous substances are legally prescribed, an employee shall notify his/her immediate supervisor in writing on the first day of his/her reporting to work. After consultation with an appropriate medical authority or the review of appropriate medical documentation and/or consultation with the Director or designee, the supervisor shall determine whether the employee is fit to stand duty as assigned.
10. An employee may not violate any state, federal or local law. An employee arrested or criminally charged shall notify or cause to be notified, in writing, his/her Director via the immediate supervisor on his/her next scheduled work day, but in no case later than five calendar days following the employee's arrest or criminal summons. Upon adjudication of the criminal case, the employee shall notify or cause to be notified, in writing, the Director, via the immediate supervisor, of the Court's disposition. This shall be done on the employee's next scheduled work day, but in no case later than five (5) calendar days following such action. The employee shall also notify the Director of any significant status change regarding such cases.
11. Any employee, upon receipt of summons or oral notification of his/her being called to testify in a criminal prosecution, shall report in writing, on his/her next scheduled work day but in no case later than five (5) days following receipt of such notification, the circumstances, date, time and court locations to the Director.

12. An employee shall not interfere or impede with any criminal or administrative investigation. An employee must fully cooperate with investigators investigating any criminal or administrative matter and shall be truthful and forthcoming always.

B. Searches

1. An employee is subject to strip search upon entering the Detention Center. Reasonable suspicion shall be established by the Director or designee prior to a strip search being authorized. All such searches shall be done to ensure privacy is maintained. A supervisor or other employee approved by the Director of the same sex shall be on-site for any such search.
2. An employee entering secure areas of the Detention Center/CBF may be subject to a routine frisk search without reasonable suspicion.
3. An employee may be subject to a frisk search, property search (including the use of K-9) and electronic search while the employee is on duty or on Department property. No employee is permitted to bring into or take out of the Department any package, bag, parcel, luggage or container of any kind without permission from the Director or his/her authorized representative. When authorized, such articles are subject to inspection and shall be taken through the main entrance only.
4. All lockers or other storage areas assigned to an employee may be searched. The Director may also order random unannounced searches of such areas to ensure the integrity of the Detention Center.

C. Contraband

An employee may not possess, carry, convey or allow contraband into the Detention Center/CBF or onto Department property. An employee shall be responsible for knowing which items are considered contraband at his/her work place. If ever in doubt, the employee must seek clarification from a supervisor. Employees shall not pass such items to inmates. Only authorized property or required items are to be given to inmates.

D. Parking and Securing Personal Vehicles

1. An employee who drives a personal or county vehicle to work and parks it on county property shall make certain that the vehicle is locked and secured. At no time may a vehicle be left unattended on Department property with the motor running or with keys accessible.
2. An employee may not under any circumstances have contraband in a personal or county owned vehicle which is driven onto county property. Equipment necessary to the operation of the vehicle may not be considered contraband while in the vehicle. Any vehicle may be searched if there is reasonable suspicion the vehicle contains contraband. An employee shall

be responsible for knowing which items are contraband on the property of the employee's work place.

E. Employee Contacts with the Public and News Media

An employee shall treat official business of the Department as **confidential**. Information regarding official business shall be disseminated only in accordance with Howard County Department of Corrections Policy A-010.

F. Registering of Address, Telephone Number and Name

1. An employee shall provide his/her immediate supervisor and the Director's office with his/her current phone number(s) (to include cell phone numbers), address and emergency contact information. In the event this information is changed at any time, it is the responsibility of the employee to notify the Director's office and his/her supervisor immediately, **but no later than the next working day of the employee.**
2. A Correctional Officer, Correctional Dietary Officer, or Correctional Specialist shall have a current telephone number at his/her place of residence or telephone number where he/she may be reached.
3. A legal name change shall be reported to the Director's office immediately.
4. An employee shall report changes in the above on the employee's next scheduled workday.

G. Secondary Employment

A full-time County employee may secure secondary employment provided that:

1. The hours of the secondary employment shall never conflict with the employee's duty hours in County service.
2. The secondary employment does not interfere in any manner with the satisfactory performance of the employee's duties in County service. The secondary employment may be seen as interfering, when an employee's leave and attendance record is not satisfactory.
3. The County employee submits to the Director, in writing, complete information pertaining to secondary employment, prior to assuming such employment.
4. The secondary employment does not create a conflict of interest.

H. County Property

No employee shall damage, remove, or knowingly allow the removal of, County property from the Department without written permission of the Director or authorized representative. This shall include all property within the

Department or on the grounds regardless of its current state of use. Personal use of County property is forbidden. Each employee shall be responsible for proper maintenance of County property and is expected to exercise reasonable care in preventing inmates or others from damaging, stealing, or destroying such property.

I. Performance of Duties

An employee shall be responsible for his/her own actions, as well as proper performance of his/her duties. In carrying out the functions and objectives of the Department, an employee shall perform his/her duties in a manner that will maintain the highest standards of efficiency. Examples of unsatisfactory performance include, but are not limited to, lack of knowledge, unwillingness or inability to perform assigned tasks, failure to conform to work standards established for the member's rank, classification, or position, or failure to take appropriate action to ensure compliance with Department regulations, policies procedures and post orders.

J. Insubordination

1. An employee shall carry out the policies and procedures approved by the Director.
2. An employee shall acknowledge the authority of a supervisor and **promptly** obey all lawful orders of a superior or person designated to supervise/manage. An employee shall not question a lawful order given by a supervisor/manager.
3. An employee without adequate justification may not issue an order that is contrary to an order, either oral or written, issued by a superior. An employee to whom conflicting orders are issued shall call immediate attention to such a conflict. If the conflict is not resolved, the employee shall obey the last lawful order.
4. An employee shall transact all official business with employee's senior in rank or classification through the established chain of command unless otherwise directed or allowed by competent authority.
5. An employee shall cooperate with a superior or other person designated to conduct an investigative procedure. An employee shall answer all questions truthfully and to the full extent of his/her knowledge.

K. Prevention of Escapes, Disorders and Security Breaches

An employee shall take all reasonable means to prevent escapes disorders and/or security breaches. An employee having information about an unusual institutional occurrence, an escape, gang intelligence, disturbance, violation of any Department directive, policy, procedure or regulation or any other matter affecting the security or safety of the Detention Center and/or shall immediately report the information orally to his/her immediate supervisor and submit a

written report as soon as possible. Such information shall be reported even if there is any doubt regarding its validity.

L. Breach of Security

An employee may not take any action or fail to take any action when the action or failure to act causes a breach of security or a potential breach of security by jeopardizing:

1. The physical security or integrity of the Detention Center/CBF, Transport vehicle or the physical security or integrity of any part or area of the Detention Center/CBF; Transport vehicle, or
2. The safety or security of any employee, inmate, visitor or member of the public.

M. Aiding or Assisting in Escape or Attempted Escape

Any employee aiding or assisting in the escape and/or attempted escape of any offender or person detained and/or under the custody of the Department shall be subject to immediate termination and prosecution under the provisions of Criminal Law 9-406 and 9-407 or any other security provision of the ACM.

N. Control of Weapons, Keys, Tools, Drugs, Toxic and Dangerous Material

An employee shall exercise extreme caution at all times to adequately control weapons, keys, tools, drugs, toxic and any other dangerous material and to prevent inmates from gaining access to them. An employee, who loses or is unable to account for any of these items, shall report that information to his/her supervisor and the Director or designee immediately.

O. Safety and Fire Prevention/Control

An employee shall become familiar with and comply with agency safety and fire prevention/control procedures. An employee shall be constantly alert to detect and immediately correct or report unsafe conditions and/or fire hazards.

- P. Emergency Duty – During emergency situations, emergency essential staff shall be responsible for reporting to work. The County will advise the Department when travel is unsafe and under such conditions, covered staff will not be subject to disciplinary action. However, if the County makes arrangements for transportation, staff cannot refuse.

During Department emergencies, or where there is critical need, a mandated correctional employee shall be subject to twenty-four-hour call to duty. In such circumstances employees are expected to promptly reply to phone calls/text messages, etc.

Q. Changing Post or Assignments

An employee of the Department may not leave his/her assigned post or exchange assigned duties unless properly and officially relieved or authority has been granted by his/her immediate supervisor and/or above authority.

R. Reports

1. An employee shall only use black or blue ink when writing, signing, or typing on all Howard County documents, forms, reports, log books, etc. Colored ink shall not be permitted unless approved by a Shift Leader or higher authority.
2. An employee may not make any false oral or written statement or misrepresent any material fact, under any circumstances, with the intent to mislead any person or tribunal. Reports submitted by employees shall be complete, clear, concise, factual and accurate. There is a distinction between the two kinds of reports:
 - a. A false report is one which is intentionally untrue, incomplete, deceptive, or made with the intent to deceive the person to whom it was directed.
 - b. An inaccurate report is one that is untrue or incomplete by mistake or accident and made in good faith.
3. An employee shall not create, alter or be a party to the creation or alteration of any documentation that is submitted to obtain wages/benefits under fraudulent circumstances.
4. At any time, an employee becomes aware of any problems, discrepancies, security breaches, safety hazards, and/or concerns that may require assistance, guidance and/or intervention by a supervisor, that employee must submit a written account of that incident (report) prior to the end of his/her tour of duty for that day, unless otherwise instructed by the Shift Leader or higher authority.
5. On receipt of a written report, the supervisor shall date and initial the report, as indication that he/she has been made aware of the incident, retain a copy for his/her records, then forward that report to the appropriate destination.

S. Acceptance of Rewards or Gifts from Any Person(s) or Corporation Engaged or Attempting to Engage in Business with the Department.

1. An employee may not be directly or indirectly involved as a party of interest in any contract, purchase or sale made by the Department, or by its authority, or accept any reward or gift, or any promise of any reward or gift directly or indirectly from any person interested in any contract, purchase or sale made by the Department.

2. An employee shall make a timely report through the chain of command to the Director of all offenses coming to his/her knowledge. This report shall be followed up in writing. Failure or neglect to do so is a breach of duty.
3. An employee shall be subject to provisions of the Public Ethics Law as found in Title 22, Subtitle 2 of the Howard County Code. Any violation of Public Ethics laws, regulations or opinions adopted or promulgated pursuant thereto may result in disciplinary action.
4. Any employee violating this section shall or may be subject to immediate termination and prosecution.

T. Reporting for Duty

1. An employee shall report to work or assigned duties at the prescribed time to ensure safe, efficient operations. An employee who will be late or absent shall contact his/her supervisor as established in the Howard County Department of Corrections Policy and Procedure A-015.
2. No employee shall feign his/her or a family member's illness in an attempt to avoid his/her duties and responsibilities.

U. Personal Telephone Calls

Personal telephone calls may not be made using County telephone equipment or while an employee is on duty, except in case of emergency with supervisor's permission.

V. Inviting Guests to the Detention Center

An employee may not invite guests or visitors to the Detention Center or the CBF without prior written approval of the Director or designee. An employee may not invite guests or visitors to other offices without the specific approval of the employee's supervisor.

W. Attitude Toward Inmates

1. An employee shall be fair, firm and impartial in relationships with inmates and offenders. The employee shall maintain a humane, objective and professional interest in the welfare of inmates to contribute to the success of the programs of the Department. Employees shall report in writing if any inmate attempts to engage them in a personal relationship or perform unauthorized favors/actions for them. Employees shall not take any action causing undue harm to an inmate or CBF detainee.
2. Staff must notify the Director if they receive a telephone call from an inmate/detainee in any Local, State or Federal Correctional facility. Staff must also have approval from the Director to visit any inmate/detainee.

X. Use of Force

1. An employee may not strike or use physical force upon an inmate, offender or any other person, except in self-defense, defense of another employee, members of the public, inmate, or CBF detainee to prevent an escape or serious disturbance or to control an unruly inmate who refuses to obey a lawful order. All efforts shall be made to resolve conflict without use of force. Also, absent an immediate threat an employee shall request a supervisor if use of force appears to be needed.
2. An employee shall be firm and resolute with inmates or offenders and if he/she is resisted, may repel force with force, using only such force as is necessary to take the individual into custody and/or gain control of the situation.
3. An employee shall complete a report regarding any use of force situation as required in Department directives. Under no circumstances shall a supervisor waive the employee's responsibility to complete the report.

Y. Use of Firearms

1. An employee must agree to use firearms as required by his/her job responsibilities as well as complete required weapons training within time frames specified by the Director.
2. An employee who is authorized to carry a firearm while on duty shall exercise the utmost care and precaution in the preservation and use of such a weapon.
3. An employee may not use firearms in the discharge of duties except in the following cases:
 - a. In self-defense to prevent death or serious bodily injury, or to defend another person from death or serious bodily injury (see Use of Force Policy E-405);
 - b. To prevent the escape of an inmate confined to the Detention Center where the use of firearms is authorized, when other means are insufficient;
 - c. When used in training and practice.

Z. Taking Inmates from the Detention Center/CBF

An employee may not escort or take any inmate away from the Detention Center/CBF without legal authority or the authority of the Director or designee. The employee assigned to inmate escort duty shall take inmates only to and from authorized destinations as directed by the Director or designee. An employee may not permit inmates to leave their places of assignment or to make unauthorized stops. Inmates must be in sight and under the control of

employees at all times, except when temporarily maintained in a holding facility. Inmates must be searched each time they are removed from a holding facility.

AA. Rewards or Gifts from Inmates/Detainees

1. An employee may not accept and/or request any reward, loan or gift, or any promise of reward, loan or gift, from any inmate or offender, or from anyone on behalf of any inmate or CBF detainee, or receive any devise or bequest, or any promise of devise or bequest, from any inmate, CBF detainee or any person on behalf of the inmate/detainee or offender, or from the estate of an inmate/detainee or CBF detainee.
2. An employee may not request, demand or accept personal services from inmates or CBF detainees.
3. All attempts of any of the above actions must be reported immediately to the supervisor and confirmed in writing.

BB. Inmate/Detainee Letters, Messages, etc.

An employee may not take any letter, message, or communication of any type, written, electronic or oral, from or intended for an inmate/detainee except as required in the daily performance of business.

CC. Contacts Between Employees and Families of Inmates or Offenders; Employees and Friends of Inmates or Offenders; or Employees and Inmates or Offenders.

1. An employee may not visit the homes of inmates, relatives of inmates or known friends of inmates for any purpose other than official Departmental business. If such a visit is necessary, prior written approval from the Director or designee shall be obtained and made a matter of record. Such contacts shall be handled in an objective and professional manner.
2. An employee may not contact or visit inmates at any correctional facility, regardless of whether he/she is on or off-duty, for any purpose other than official Departmental business. The exception to this shall be for an employee who is related to the inmate or has express written approval by the Director. Any request for permission to visit relatives shall be approved by both the employee's Director and by the appointing authority or designee of the institution or facility where the relative is incarcerated. These provisions include providing property or funds to the inmate.
3. An employee may not become socially, personally or intimately involved in relationships with inmates. This includes but is not limited to: communication through the internet, written correspondence, social telecommunications and social interactions.

4. An employee may not allow inmates to contact or visit with them for any purpose while off duty.
5. It is recognized that an employee may associate with persons who are ex-offenders. This in and of itself is not a violation. However, the employee is cautioned to ensure that all other provisions of this policy are adhered to. Further, the employee must advise the Director or designee of this relationship if the ex-offender is under criminal supervision, and/or if that person becomes re-incarcerated at the Detention Center. The employee is advised to seek guidance if there are any questions or where there may be any misunderstandings regarding this requirement.
6. At no time may an employee use his or her position or authority to gain information to make any contact with an ex-offender, unless specifically authorized for work purposes.

DD. Confidential Nature of Inmate/Detainee, CBF detainee or Criminal History Files

1. Utmost care is essential in the handling of inmates/detainees, or CBF detainee records or criminal history records, as they are confidential. Information contained in such records is to be used only for business purposes. Should questions arise concerning inquiries from outside sources, other than agencies conducting business with the Department such as the courts, parole, police, etc., the Director or designee shall be consulted. Only authorized staff shall access inmate files.
2. An employee may not remove or copy any inmate, CBF detainee file, or criminal history file or any other document from the Department without permission of the Director or designee. An employee may not obtain information from these files for non-business purposes.

EE. Confidential Nature of Departmental Video/Audio

1. Video/audio captured by the Department's camera is to be used only for approved business reasons.
2. Only staff authorized by the Director shall have access to video (live or stored).
3. Captured video/audio shall not be disseminated to anyone or any entity without approval of the Security Chief or higher authority.

FF. Employee Personnel Files and Records

1. No member of the Department shall have access to personnel files, materials or other official or confidential personnel records except as permitted by Section 1.114 of the Howard County Code, or policies of the Office of Human Resources of the Howard County Government. When staff are approved by the Director to review their files containing personnel information, a supervisor must be present during the review.

2. Unless otherwise provided above, access to personnel files shall be limited to personnel staff, management employees in the chain of command above the employee, personnel specifically designated to conduct investigations requiring the review of personnel files, the employee and those designated by the employee to have access to the file.
3. Staff shall confer with the Director/designee before filing criminal charges or seeking court protection orders against an inmate. This is to ensure the Director is aware of the action taken and to ensure supporting documentation is properly forwarded to the State's Attorney's Office.
4. No employee shall transmit any official document, file or report without proper authority.

GG. Appearance and Equipment

1. An employee shall set a positive example in his/her overall appearance and grooming.
2. An employee designated to wear a uniform shall wear only the uniforms, badges, insignia of rank and equipment prescribed in Department procedures. Also, when wearing the uniform off-duty, it shall be worn in its entirety and not mixed with other personal clothing, unless expressly approved by the Director.
3. An employee designated to wear a uniform while on duty shall wear the prescribed uniform and be properly equipped, unless otherwise directed.
4. An employee shall be responsible for all equipment issued to him/her and where it is established that any part thereof is lost or damaged through negligence, the employee shall be obligated to replace it at his/her own expense.
5. Any employee suspended pending termination from County service shall be required to return to his/her supervisor all Departmental equipment/uniforms issued to or assigned for his/her use within 14 days.

HH. Discrimination

An employee found to have engaged in discrimination based on race, color, religion, national origin, physical or mental handicap, occupation, marital status, political opinion, sexual orientation, personal appearance, affiliation, association or non-association or his/her membership or non-membership in the Union will be subject to disciplinary action up to and including termination depending on the degree of the infraction.

II. Sexual Misconduct and Sexual Harassment

Employees must be guided by the Howard County Work Place Harassment Policy (see the Howard County Employee Manual). An employee may not engage

in any consensual or non-consensual sexual relationships with inmates or CBF detainees. Sexual harassment including repeated verbal statements, comments or gestures of a sexual nature to an inmate or CBF detainee is not permitted. See HCDC Policy A-033 Protection from Sexual Crimes and Harassment for further requirements and guidance.

JJ. Conducting Inmate/Detainee Counts

An employee assigned to conduct a count of any inmate population shall ensure that the recorded count accurately reflects the number and identity of inmates in the assigned area at the time the count is conducted by the employee. Counts are to be conducted in accordance with established Departmental policy.

KK. Use of Seat Belts

All employees driving County vehicles are required to use seat belts.

LL. Request for Leave

To ensure proper and safe coverage of posts and assignments at all times, requests for leave must be submitted in accordance with established departmental procedure.

MM. Unauthorized Reading Material

Employees are not permitted to possess magazines, newspapers, or other reading material while on duty within the security perimeter of the institution without prior approval.

NN. Officer Meal Break

When an officer is relieved for a meal break, that officer may eat on his/her post or may take their meal to the officers' dining room. An officer is on-duty during meal breaks and shall respond to any emergency.

OO. Smoking

Smoking is prohibited in the Detention Center and CBF. This includes inmates, staff and visitors.

PP. Text Messaging

Employees may not send or read text messages when operating a County vehicle. Also, as a reminder, text messages related to employment with the County are public records and subject to review under the Public Information Act.

QQ. Personal Associates

An Employee may not knowingly associate with anyone who is a member of a

criminal gang or anyone actively involved in known criminal activity. Should an employee find that a family member or a close friend or associate is a criminal gang member or associate, the employee shall advise his or her supervisor immediately.

RR. County Email

As a matter of job performance, an employee is required to open and read email each day the employee is on-duty, except for days the employee is assigned off-site, such as training or an out-post. Corrections Global Email must be authorized by the Security Chief or higher authority. Some emails are pre-approved such as those to announce program participant list, schedule changes, program cancellations and policy updates. Email content is to be professional and respectful in tone and content. As a reminder, all email is subject to review by the public through the Public Information Act.

SS. Social Media

An employee must be mindful that his/her presentation, pictures, etc. on social media and internet video must reflect most favorably on the Department. Any presentation which reflects discredit upon the Department or may be considered unbecoming, may subject the employee to disciplinary action. No official business of the Department can be placed on social media without approval of the Director/designee.

TT. Howard County Policy

1. Employees are to comply with County policy regarding use of communications equipment, to include but is not limited to computers, cell phones, telephones, I-pads, etc.
2. Security staff are not to access the internet except for business purposes while on-duty. They may access the internet on designated computers for personal reasons as allowed by County policy before and after duty or while on meal break.

II. Principles of Work Performance

A. The following principles of work performance and supervision are adopted:

1. An employee shall meet or exceed established performance standards.
2. Conditions or circumstances that will prevent an employee from performing effectively or completing his/her assigned tasks shall be reported to supervision as soon as they become known by the employee.
3. An employee shall bring to the attention of his/her supervisor any unclear instructions or procedures as well as any known violation of policy and/or procedure.

4. A supervisor shall assist his/her employee in understanding their work assignments, the Standards of Conduct and Performance, and the goals, objectives and performance standards of their positions.
5. A supervisor shall be aware of inadequate or unsatisfactory work performance or behavior on the part of employees and attempt to correct the performance or behavior immediately. The supervisor shall be responsible for documenting an employee's inadequate or unsatisfactory job performance. The supervisor shall ensure the employee is advised of his/her inadequate or unsatisfactory job performance in a timely manner. Unsatisfactory job performances shall also be entered in the Department's Ops Stat record.

B. Counseling and Training

Efforts to improve employee behavior may include counseling or remedial training. Counseling may range from a private, informal discussion to a written documented statement outlining those aspects of the employee's performance or behavior that need modification. While it is hoped that most problems can be resolved through such a process, counseling is not a prerequisite to taking formal disciplinary action, particularly in dealing with the most serious infractions. In a situation where the employee may possibly benefit from outside counseling, referral may be made to the Employee Assistance Program (EAP). Such a referral shall be made as an effort to assist the employee and not as a measure of discipline. A referral for remedial training shall be made when the employee's unsatisfactory performance is due to lack of knowledge, information or skills.

C. Types of Disciplinary Actions

1. Written Reprimand - a formal written statement that specifies a violation and warns the employee of the consequences of future infractions. The following actions represent levels of progressive discipline.
2. Suspension - the act of relieving an employee of his/her job responsibilities for a specific period of time without pay.
3. Demotion - the act of assigning an employee duties, responsibilities and compensation of a lower classification.
4. Rejection on Probation - the termination of employment during the probationary period.
5. Discharge - the termination of employment at a time other than during a probationary period.
6. Denial of Annual Increment - the act of keeping an employee at his/her present salary when advancement to the next salary step would normally have occurred.

7. Loss of future accrued annual leave - the act of relieving an employee of future accrual of annual leave.
8. Restitution - the act of assessing an employee the dollar amount for the loss, damage or theft of property.

D. Mitigating Circumstances

Mitigating circumstances include those conditions indicating that the employee is not wholly at fault. When, in the judgment of the Director or designated representative, mitigating circumstances exist and can be substantially documented, specific corrective action may be reduced or not invoked.

E. Category of Infractions/Type of Discipline

Unacceptable behavior is divided into three categories, according to severity. The behaviors listed in the three groups are only examples. Other behaviors that occur may be grouped and disciplined according to other regulations, policies, directives or procedures. A probationary employee may be rejected or extended on probation for disciplinary reasons of any category level, and such action may also be taken for other than disciplinary reasons.

First Category Infractions

- a. The least severe types of infractions that require corrective action include:
 - (1) Use of coarse, obscene, profane, threatening or insolent language;
 - (2) Failure to notify supervisor or Director of change of address, name or telephone number;
 - (3) Failure to report details of secondary employment;
 - (4) Improper use of County property;
 - (5) Inadequate or unsatisfactory job performance;
 - (6) Failure to follow chain of command;
 - (7) Violations of safety rules involving no threat to life;
 - (8) Failure to report knowledge of a first or second category infraction;
 - (9) Violation of County Ethics Law;
 - (10) Misuse of telephones;
 - (11) Inviting guests to the Detention Center/CBF without authorization;

- (12) Inattentiveness or negligence in the performance of duties by an employee not directly responsible for the custody of inmates/detainees;
 - (13) Smoking in the Detention Center/CBF;
 - (14) Possession of unauthorized reading material;
 - (15) Failure to use seat belts;
 - (16) Gross Lateness;
 - (17) Failure to maintain required contacts with supervisor when away from assigned office location;
 - (18) Lateness*;
 - (19) Failure to maintain proper appearance*;
 - (20) Failure to adequately maintain equipment*;
 - (21) Failure to keep an assigned post clean, neat and orderly; and
 - (22) Sending unauthorized/inappropriate emails.
- b. First category infractions shall result in action according to the following schedule and shall be dependent on the number of occurrences within the twelve months prior to the subject offense.
- (1) First Offense: Documented Counseling/Training.
 - (2) Second Offense: Letter of Reprimand.
 - (3) Third Offense: 1 day suspension or loss of 1 day of future accrued annual leave.
 - (4) Fourth Offense: 5-day suspension or loss of 5 days of future accrued annual leave.
 - (5) Fifth Offense: Charges for Termination (In situations where the employee is allowed to work pending the charges, a minimum of a five (5) day suspension shall be levied in addition to the filing of Charges for termination.)

**Infractions 18-20 denoted with an (*) shall be documented and treated as a second category infraction after the third occasion.*

2. Second Category Infractions

- a. The more serious category of infraction requiring more stringent discipline includes:
- (1) Failure to report arrest/conviction;
 - (2) Failure to report receipt of criminal summons;
 - (3) Transporting in or out of institution any unauthorized package, bag, parcel, luggage or container;
 - (4) Possession/passing unauthorized items of contraband other than that described under third category infractions;
 - (5) Leaving personal vehicle on grounds with motor running, or keys accessible or unlocked;
 - (6) Possession of contraband in personal vehicle;
 - (7) Unauthorized representation of the agency before public or news media;
 - (8) Misuse of County property;
 - (9) Insubordination;
 - (10) Failure to exercise caution in control of weapons, keys, tools, drugs, toxic and dangerous materials;
 - (11) Failure to report when summoned in an emergency situation;
 - (12) Leaving or exchanging assigned posts without permission of a shift supervisor;
 - (13) Accepting rewards or gifts from person, or corporations;
 - (14) Filing of a false report;
 - (15) Directing cruel or harsh treatment (not resulting in harm) towards inmates;
 - (16) Discharging of a weapon without authorization;
 - (17) Failure to report for duty;
 - (18) Inattentiveness or negligence in the performance of duty by an employee directly responsible for the custody of inmates;
 - (19) Providing an inaccurate count of the inmate population;
 - (20) Failure to report knowledge of a third category infraction;

- (21) Unauthorized access of inmate, detainee or criminal history records and information; and
 - (22) Submission of a fraudulent document for purposes other than obtaining wages/benefits.
 - (23) Unnecessary force on an inmate not resulting in severe injury.
 - (24) Using leave without having the leave accrued.
 - (25) Breach of security which could have resulted in serious harm to inmates, staff, visitors and/or the public.
- b. Second category infractions shall result in discipline according to the following schedule and shall be dependent on the number of occurrences within the twelve months prior to the subject offense.
- (1) First Offense: Level 1 Reprimand.
 - (2) Second Offense: 1 day's suspension or loss of 1 day's future accrued annual leave.
 - (3) Third Offense: 5 days suspension or loss of 5 days future accrued annual leave.
 - (4) Fourth Offense: Charges for Termination (In situations where the employee is allowed to work pending the charges, a minimum of a five-day suspension shall be levied, in addition to the filing of Charges for Termination.)

An employee with a First Category infraction who proceeds to commit a Second Category infraction shall be disciplined at that step in the Second Category which represents the next level of progressive discipline.

Example: An employee who has received a 1 day suspension under the First Category for his/her third First Category offense would receive a five-day suspension/or loss of 5 days of future accrued annual leave upon committing a Second Category offense.

3. Third Category Infractions

- a. Third category infractions are the most serious and include:
- (1) Striking, threatening, or assaulting fellow employees;
 - (2) Refusal to submit to a lawfully ordered strip, frisk, property or electronic search;
 - (3) Arrest for felony;

- (4) Possession of contraband including, but not limited to, firearms, ammunition, other lethal weapons, or drug, alcohol, or escape paraphernalia on county property;
- (5) Breach of security resulting in escape or the immediate possibility of escape;
- (6) Breach of security resulting in injury/harm to inmates, staff, visitors and/or the public.
- (7) Aiding or assisting in escape or attempted escape;
- (8) Use of unnecessary force which could reasonably be expected to result in serious bodily harm or death;
- (9) Participation in any job action or work stoppage;
- (10) Submission of fraudulent documentation to obtain wages/benefits;
- (11) Refusal to report to work during an emergency without documented exigent circumstances.
- (12) Unprofessional personal relationship or contacts with inmate, or CBF detainee;
- (13) Unauthorized access and/dissemination of inmate, CBF detainee or criminal history records or information; and
- (14) Absconding from an assigned security post.

- b. Third category infractions shall result in termination from County service.
- c. The employee shall be suspended pending termination from County service.

III. Dismissal of Classified Employee for Cause

- A. Notwithstanding Section III. of this regulation, the following categories contain examples of conduct which may be grounds for a classified employee's immediate dismissal, but are not inclusive of all conduct which may be grounds for dismissal without warning, counseling or progressive discipline. Each situation will be judged on a case-by-case basis.
 - 1. Dishonesty--includes action involving misuse of money or property; theft; actions designed to lead to theft; the making of false statements; or the falsification of records.
 - 2. Insubordination--includes a failure or refusal to follow policy directions or to perform assigned work; and/or the use of profane or abusive language/gestures during interactions with supervisors.

3. Violation of County Policy--includes the violation of any law or policy, whether or not contained in this handbook, to which an employee is made subject as a consequence of his/her employment with the County.
 4. Misconduct--includes conduct adverse to the safety and welfare of co-employees and the public; the misuse of County property or premises; repeated negligence; tardiness; unauthorized absences; illegal activities; criminal conviction for any felony or crimes involving moral turpitude; or any behavior which, in the sole discretion of the County, endangers County employees, premises or property, or presents a threat of such danger.
 5. Unethical Conduct--includes the acceptance for personal use of any fee, gift, or other thing of value in connection with or during County employment if given to the employee by any person with the hope or expectation of receiving a favor or better treatment than that accorded to other persons, and other conduct violating the County's Ethics Law.
 6. Use of Drugs and Alcohol--includes conduct which violates any County drug or alcohol policy to which the employee is made subject.
- B. The Director of Human Resources may, where circumstances warrant, impose one of all the disciplinary sanctions listed below in lieu of discharge, or may condition an employee's continued employment upon such terms as may be appropriate considering the employee's conduct.
1. A written reprimand;
 2. A demotion to a lower pay grade or a reduction in pay; and/or
 3. A suspension without pay; a suspension of the employee's right to accrue annual and personal leave for a period not to exceed one year. Should an employee so disciplined again become subject to discipline within one year, he/she may be dismissed.

IV. Alcohol and Drugs

See: HCDC Policy A-016 and the Howard County Employee Manual.

V. Tardiness and Attendance

See: HCDC Policy A-015.

VI. Sexual Misconduct with Inmates/Detainees

See: HCDC Policy A-033.

VII. Process for Imposing Disciplinary Actions

A. Review

1. Whenever a supervisor believes an employee has violated the Standards of Conduct, he/she shall ensure there is a review of the matter with the employee to determine if there is any additional information or mitigating factors which should be considered. This step should include a review of all available reports, video or other evidence and may include interviews with witnesses. The Security Chief or above may coordinate this review as they deem appropriate. All potential information involving a possible disciplinary action shall be reviewed by the Director and as applicable by the Chief of Security and/or Deputy Director.

B. Issuing Disciplinary Action/Letters of Counseling/Matters of Record

1. After each case review the Director shall determine who is responsible for issuing the above-mentioned actions.
2. The employee's shift/unit supervisor shall handle issuing Matters of Record and/or Letters of Counseling.
3. The Chief of Security or Deputy Director shall issue all Letters of Reprimand unless otherwise directed by the Director.
4. The Director/designee shall issue any disciplinary action beyond a Letter of Reprimand.

- C.** Upon completion of any corrective/disciplinary action, the responsible supervisor shall ensure a copy is placed in the employee's shift/unit file and the original shall be sent to the Director's office. A copy shall also be given to the employee.

VIII. Exception Information

The Director has the authority to approve or impose any reasonable disciplinary action regardless of the provisions in Section III. of this policy and procedure.

ATTACHMENTS: None

RESCISSIONS: HCDC Policy A-007 Employee Standards of Conduct effective January 18, 2017.